

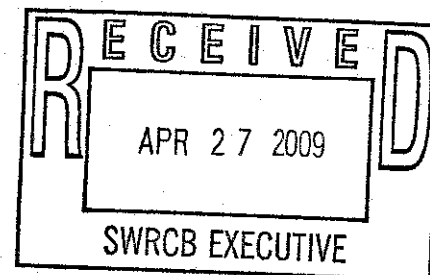


DAVID R. WILLIAMS  
DIRECTOR OF WASTEWATER

April 27, 2009

Via E-mail

Members of the State Water Resources Control Board  
c/o Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

RE: Comment Letter – Proposed Recycled Water General Irrigation Permit

Dear Members of the State Water Resources Control Board:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide comments on the draft recycled water general irrigation permit. EBMUD has an extensive existing recycled water program and also has a number of new recycled water projects planned. To date, we have invested over \$100M in our recycled water program. Recycled water is a critical component of our overall water supply future and also a vital resource for our regional economy.

We thank the State Board for its leadership in developing the draft general permit. We support the development of a general permit that streamlines the permitting for recycled water while providing appropriate and reasonable requirements for using recycled water. While we understand that the State's intent is to promote the use of recycled water, portions of this draft general permit as currently worded actually add barriers to using recycled water.

General Comments

We understand that the WaterReuse Association (WRA), the Association of California Water Agencies (ACWA), and the California Association of Sanitation Agencies (CASA) are submitting a comprehensive joint comment letter. We encourage the State Board to continue to work with WRA, ACWA, and CASA representatives to revise the draft general permit to help accomplish the State's goal of promoting the use of recycled water as a valuable resource and significant component of California's water supply.

As stated in the draft general permit that an agency can choose to retain coverage under an existing master permit, EBMUD would retain coverage under General Reuse Order 96-011 issued by the San Francisco Bay Regional Water Quality Control Board instead of opting into the statewide general permit. However, we would like to highlight the following specific comments to illustrate some of the impacts to EBMUD's recycled water program as examples of how the draft general permit would impact recycled water programs in general.

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Specific Comments

We encourage the State Board to consider the Order 96-011 approach in revising the draft general permit as Order 96-011 has been successfully implemented. It employs an approach where a producer or distributor of recycled water designs a permit-based program for users of recycled water. The producer or distributor develops administrative procedures specifying how the permit-based system for regulating users is implemented and how compliance with Title 22 reuse criteria is assured. Reporting or monitoring requirements are simpler and are determined by the distributor on a site-by-site basis depending on the size and complexity of the recycled water system and are incorporated into each distributor issued user permit.

The draft general permit requires numerous reports such as an Operations and Maintenance Plan, Operations Plan, General Irrigation Management Plan, Individualized Irrigation Plan, and Engineering Report. Having to prepare these many reports will discourage the implementation of recycled water projects, especially if resources are limited. As a comparison, under the Order 96-011 process, a recycled water agency files an overall Notice of Intent report with the Regional Board and the California Department of Public Health (CDPH). The Regional Board, with consent from CDPH, issues a conditional approval to operate under Order 96-011 to the recycled water agency, pending approval of project-specific Engineering Reports. The recycled water agency then files a project-specific Engineering Report with the CDPH and the Regional Board. Once CDPH approves the Engineering Report and notifies the Regional Board, the project has the approval to begin operations. The recycled water agency then files annual reports with the Regional Board. This is a more streamlined process that still ensures proper compliance with Title 22 requirements. Additional plans or reports may be developed by each recycled water agency based on the needs of individual programs.

Daily monitoring at recycled water use sites, as stated in the draft general permit, is not warranted, beneficial, and practical. Flow meters are not read every day but often once every one to two months. Daily recording of all the information requested at use sites, such as volume of recycled water, nitrogen application rate, etc., will strongly discourage customers from wanting to use recycled water. The daily monitoring and reporting is too onerous and will require significant resources that most irrigation customers do not have, and will drive up the cost of water recycling, creating a disincentive. Many of our irrigation customers would not be able to comply with this requirement and would not be able to use recycled water. Customers already incur added cost to use recycled water due to current regulatory requirements in place through Title 22. An example of a streamlined process is through Order 96-011, which delegates the responsibility and liability to the recycled water agency to develop an appropriate user permit, monitoring, and reporting program that is in compliance with Title 22.

The draft general permit presents a number of best management practices (BMPs) that appear to be optional and not mandatory. It should be made clear that these BMPs are optional and not required. Also, BMPs for irrigation practices already exists through guidelines provided by the Irrigation Association and the California Urban Water Conservation Council. An alternative

would be to reference existing BMP guidelines instead of presenting a separate set of BMPs for recycled water.

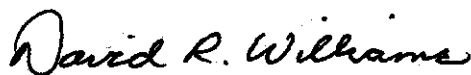
The draft general permit requires that a 4-foot horizontal and 1-foot vertical separation be maintained between all pipelines transporting recycled water and those transporting domestic water. This separation requirement is not always feasible where there are physical constraints. It should be noted that there are exceptions that can be evaluated and approved if added measures are implemented. The existing CDPH guidance document provides for exceptions and added measures. For EBMUD recycled water projects and retrofits, we have implemented additional measures where the separation requirement is not possible, such as installing the recycled water line in a sleeve with no joints 10 feet on either side of the crossing where a recycled water line needs to cross above the potable water line.

A requirement in the draft general permit is the prohibition of application of recycled water within 50 feet of surface water. This is not a Title 22 requirement and we suggest that it be removed. Some use sites do require irrigation within 50 feet of surface water. However, the control of runoff can be handled through best management practices. This prohibition could prevent some potential users from using recycled water or would result in cost prohibitive retrofits of existing site irrigation systems.

We encourage the State Board to work with WRA, ACWA, and CASA to revise the draft general permit to develop a more reasonable and practical regulatory framework to allow for the operation of recycled water programs and to provide a less stringent general permit as an option for agencies. Also, Order 96-011 is an example of a proven and successful general permit program implemented by the San Francisco Bay Regional Water Quality Control Board that provides a streamlined approach which encourages water recycling while ensuring compliance with Title 22.

Thank you for considering our comments. If you have any questions, please contact Linda Hu on my staff at (510) 287-1691 or [lju@ebmud.com](mailto:lju@ebmud.com).

Sincerely,



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Director of Wastewater

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